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Washington, Saturday, November 27, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF COMMERCE AND RESERVING THEM AS THE ARCADIA FISH HATCHERY

Rhode Island

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), it is ordered that the following-described lands in the County of Washington, Rhode Island, acquired by the United States through the Resettlement Administration, be, and they are hereby, transferred from the Department of Agriculture to the Department of Commerce, Bureau of Fisheries, and reserved and set apart for the use of the Department of Commerce, subject to valid existing rights, as a fish hatchery:

Beginning at a stone bound, 8 in. square, standing 2 in. above ground, on the east side of the Summit Road, said bound being the southwest corner of land now or formerly of George A. Young and wife, Sarah M. Young.

Thence, from said initial point, by metes and bounds,

N. 76° E., 169.39 ft., to a stone bound;

N. 6° W., 169.63 ft., to a stone bound;

S. 76° W., 169.28 ft., to a boulder and stone wall on the side of the Summit Road, the last three courses bounding on land of said George A. and Sarah M. Young;

Northwest, 138.35 ft. along the northeast side of said Summit Road, to land now or formerly of Edmund B. Pilkington and Martha Alice Pilkington;

N. 19° E., 28.27 ft. along a stone wall, to a corner in the wall;

N. 44° E., 56.73 ft., to the beginning of a stone wall;

N. 11° 30' E., 180.42 ft. along a wall, to a corner in the wall;

N. 80° W., 292.94 ft. along a wall, to a corner in the wall, at the Summit Road, the last four courses bounding on land of the said Edmund B. and Martha Alice Pilkington;

Northwest, 87.52 ft. along the northeast side of said Summit Road, to the center line of Roaring Brook;

East, 1320 ft., more or less, along the center line of said Roaring Brook to a point which is 210 ft., more or less, west from the south end of the Arcadia Upper Pond spillway;

S. 36° 23' E., 220 ft., to a point on the edge of the Arcadia Upper Pond, said point being 200 ft., more or less, south from the south end of the Arcadia Upper Pond spillway;

Southeast, 600 ft., more or less, along the edge of the Arcadia Upper Pond;

S. 48° W., 800 ft., more or less, partly along a wire fence which is the west boundary line of the School House Lot, to a point on the northeast side of the Arcadia Frosty

Hollow Road, said point being the southwest corner of said School House Lot;

Northwest, 844 ft., along the northeast side of the said Arcadia Frosty Hollow Road, to the east side of the Summit Road;

Thence,

N. 25° 30' E., 176.35 ft., to the place of beginning.

The transit survey was made in October, 1935; the directions of the lines refer to the magnetic meridian and were determined by deflection angles; and the corresponding magnetic declination was 14° 52' 36" W. The tract as described contains 26.0 acres, more or less.

This reservation shall be known as the Arcadia Fish Hatchery.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

November 24, 1937.

[No. 7752]

[F. R. Doc. 37-3419; Filed November 24, 1937; 2:44 p. m.]

WAR DEPARTMENT.

REGULATIONS TO GOVERN THE USE, ADMINISTRATION, AND NAVIGATION OF THE CAPE COD CANAL, MASSACHUSETTS

THE LAW

Extract from the River and Harbor Act of August 8, 1917:

SEC. 7. That section four of the river and harbor Act of August 18, 1894, as amended by section 11 of the river and harbor Act of June 13, 1902, be, and is hereby, amended so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

In pursuance of the foregoing law, the following regulations are prescribed to govern the use, administration, and navigation of the Cape Cod Canal, Massachusetts.

The Regulations

1. *Limits.*—The Cape Cod Canal, including approaches, is defined as the waterway from a point in Buzzards Bay, Massachusetts, about one mile west of Wings Neck Light, thence through dredged channels and land cuts to the outer



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extremity of the northerly stone breakwater in Cape Cod Bay at Sandwich.

2. *Authority of canal officers.*—The movement of all boats, or craft of every description in the canal, shall be subject to the supervision of the District Engineer of the Engineer Department at Large, in general charge of Federal Waterway improvements in the locality, whose address is 3d Floor, Park Square Building, 31 St. James Avenue, Boston, Mass.

3. *Dimensions.*—Various dimensions relating to the canal are as follows:

Length: 8 miles across isthmus.

Length of approach channel, Buzzards Bay: 5 miles.

Length of breakwater, Cape Cod Bay: 3,000 feet.

Bridges:

Highway (fixed):

Horizontal Clearance: 550 feet between channel piers.

Vertical Clearance: 135 feet above mean high water.

Railroad (Vertical Lift):

Horizontal Clearance: 500 feet between channel piers.

Vertical Clearance:

Closed: 7 feet above mean high water.

Raised: 135 feet above mean high water.

The work of deepening and widening the canal is in progress. Information regarding the controlling depth and width may be obtained from the District Engineer, Boston, Massachusetts.

4. Signals.—

1. All vessels desiring to enter the canal may signal by three long blasts of the whistle when arriving at Wings Neck Light or Sandwich breakwater.

2. A vessel approaching the railroad bridge when the lift span is lowered shall signal by three long blasts of the whistle for raising the span. Vessels or other craft without steam power shall hail the bridge by horn or megaphone, or notify the operator by verbal communication of the desire to pass under the span.

3. The span shall be raised with the least possible delay upon receiving the signal: *Provided*, That the span shall not be raised when there is a train upon the bridge or approaching it so closely that the train cannot be stopped. If the span of the bridge is ready to be raised immediately, the operator shall so indicate by sounding one long blast of a whistle or horn; but, if it will not be raised immediately, he shall so indicate by sounding four short blasts in quick succession upon such whistle or horn. These signals shall be made as soon as possible after receiving the boat signal.

4. Vessels shall not attempt to pass the bridge until the span has been fully raised.

5. *Precedence.*—Ordinarily, vessels will be given precedence in order of arrival, but when several vessels are to be passed precedence shall be given:

FIRST. To vessels owned by the United States or employed on canal improvement work.

SECOND. To passenger vessels.

THIRD. To freight vessels and towboats.

FOURTH. To small boats and craft bent on pleasure only.

6. *Mooring.*—Anchorage or mooring basins are located at both the eastern and western terminals. The eastern basin is on the north side of the canal. It is 2,000 feet in length, 300 feet in width and dredged to a depth of 25 feet at mean low water. The western basin is on the southeast side of the Hog Island Channel, opposite the dredged cut to Onset Bay. It is 2,600 feet in length, 350 feet in width, and 32 feet in depth at mean low water. Mooring dolphins are provided. Vessels mooring or anchoring shall do so in such a manner as not to obstruct the canal channel nor to impede vessel movement to and from the basins.

7. *Location of traffic lights—Eastern or Cape Cod Bay terminal.*—Red, green, and purple electric lights, visible for a distance of about two miles in clear weather, day or night, are located at Sandwich on the south side of the entrance. The lights, which are at an elevation of about 30 feet above high water, are located on a pole structure.

Western or Buzzards Bay terminal.—Red, green, and purple electric lights, visible for a distance of about two miles in clear weather, day or night, are located near Wings Neck lighthouse, on the south side of the entrance. The lights, which are at an elevation of about 35 feet above high water, are located on a pole structure.

8. *Westbound traffic.*—When a green light is showing at the eastern or Cape Cod Bay terminal at Sandwich, vessels may proceed through the canal. The green light indicates that the canal and approaches are open to westbound traffic. When the purple light is showing, vessels may proceed as far as the mooring basin at the eastern entrance, where they must stop and await the green signal light at the Sandwich Terminal before passing west through the canal. The purple light indicates that the canal proper is not open to westbound traffic and that eastbound traffic may have to be passed in the Cape Cod Bay approach channel. The red light means that vessels must stop clear of the outer end of the Cape Cod Bay approach channel.

9. *Eastbound traffic.*—When a green light is showing at the western or Buzzards Bay signal block at Wings Neck, vessels may proceed through the canal unless later stopped by motor boat or other signal. The green light indicates that the canal and approaches are open to eastbound traffic. When the purple light is showing, vessels may proceed through the Buzzards Bay approach channel as far as the mooring basin near Hog Island, where they must stop and from whence clearance will be granted by motor boat or other signal. The purple light indicates that the canal proper is not open to eastbound traffic and that westbound traffic may have to be passed in the Buzzards Bay approach channel. The red light means that vessels must stop clear of the southern entrance to the Buzzards Bay approach channel and must not enter the Buzzards Bay approach channel. In daytime when sunshine obscures the signal lights, or if the electric current should be temporarily interrupted, a red ball or shape will be operated from a pole about 60 feet southwest of the traffic lights. When the ball is raised, vessels must stop; when the ball is lowered to the ground, full clearance is granted.

10. *Warning lights.*—At both terminals, vessels tied up at dolphins or anchored may be warned by the red light flashing three times, that about fifteen (15) minutes later they will be given a green light. If, on receiving the green light they do not proceed within fifteen (15) minutes, they may forfeit their priority to pass through the canal.

11. *Meeting of vessels.*—Vessels navigating the canal or its approaches in opposite directions at the same time under proper lights are subject to the usual customs, rules, and laws of navigation applicable to restricted channels.

12. *Two-way traffic.*—Two-way traffic through the canal will be allowed when, in the opinion of the representative of the United States Engineer Department charged with directing traffic, the conditions are suitable.

13. *Obtaining clearance.*—Vessels should not attempt to transit the canal until clearance has been obtained. When conditions render visibility poor, clearance should be procured by radio or other reliable medium.

14. *Speed.*—No boat in the canal shall be raced or crowded alongside another or moved at a speed which will cause excessive wash. Speed will be reduced to a minimum consistent with safe navigation. All vessels must pass mooring dolphins, wharves, landings, and dredging plants at minimum speed, with engines stopped, if practicable, to avoid wave and suction damage.

15. *Management of boats.*—The boat entering first shall have precedence. As a rule the vessel following shall keep at least 1,000 feet astern of the vessel ahead. Restricted passing is permissible, particularly when a leading, low-

powered vessel is unable to stem the current, but extreme care to avoid collision is imperative.

16. *Handling of tows.*—Tows should be assembled outside the canal entrances when practicable, and vessels in tow should be securely fastened to the towing vessel and to each other. Long hawsers are not permitted. Vessels without engine motive power must not attempt to sail through the canal.

17. *Unnecessary delay in canal.*—Vessels must not obstruct navigation by unnecessary delay in entering or passing through the canal or by anchoring in the channel.

18. *Landing of freight, etc.*—Except in emergencies, vessels shall not stop to land passengers, freight or baggage or to transfer same to another vessel under such conditions as would in any way interfere with navigation.

19. *Deposit of refuse.*—No ashes, oil or other material or liquid of any kind shall be thrown, pumped, or swept into the canal or approaches, or deposited on canal grounds.

20. *Statistics.*—Masters or pursers of vessels shall furnish the District Engineer, or his authorized representative, on each passage through the canal, such written statement of passengers, freight, and registered tonnage as may be indicated by blanks furnished for the purpose. Failure to furnish this statement will result in the offending boats being refused passage through the canal or any part of it.

21. *Persistent violation of regulations.*—If the owner or master of any boat persistently violates these regulations after due notice of the same, legal proceedings may be instituted under the act or acts covering such violations.

22. *Pilots.*—The U. S. Engineer Department does not maintain pilot service. Pilots licensed by the Department of Commerce are usually available. Signals from vessels or requests by radio, etc., will be transmitted to pilots, but no responsibility therewith is assumed.

23. *Trespass upon canal property.*—Trespass upon the canal property or injury to the canal, lands, banks, bridges, breakwaters, dolphins, fences, culverts, trees, telephone lines, or to any other property of the United States pertaining to the canal, is prohibited.

24. *Fish and game.*—All persons are forbidden to enter upon the United States lands or canal for the purpose of fishing or hunting, or taking fish or game by any means, without a written permit from the District Engineer. The fish and game laws of the United States and of the State of Massachusetts will be enforced upon the canal and the lands of the United States pertaining thereto.

25. *Effective Date.*—These regulations shall take effect and be in force from and after January 1, 1938. All previous regulations are hereby rescinded.

Approved November 15, 1937.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 37-3423; Filed, November 26, 1937; 10:07 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 73]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER ONE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937.

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

Number One having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number One having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number One and to other evidence and pertinent data relating to the classifications of coals for District Number One:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number One, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number One, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number One and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number One or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number One to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number One and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3425; Filed, November 26, 1937; 11:24 a. m.]

[Order No. 74]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWO AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Two having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal

Producers Board for District Number Two having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Two and to other evidence and pertinent data relating to the classifications of coals for District Number Two:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Two, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Two and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Two or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Two to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Two and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3426; Filed, November 26, 1937; 11:36 a. m.]

[Order No. 75]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER THREE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Three having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Three having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Com-

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

mission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Three and to other evidence and pertinent data relating to the classifications of coals for District Number Three:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Three, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Three, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Three and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Three or the Commission involving a revision of the initial classification of coals of any code member.

* That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Three to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Three and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3427; Filed, November 26, 1937; 11:36 a. m.]

[Order No. 76]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER FOUR AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Four having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Four having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Four and to other evidence and

pertinent data relating to the classifications of coals for District Number Four:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Four, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Four, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Four and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Four or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Four to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Four and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3428; Filed, November 26, 1937; 11:37 a. m.]

[Order No. 77]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER FIVE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Five having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Five having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Five and to other evidence and pertinent data relating to the classifications of coals for District Number Five:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Five, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Five, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Five and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Five or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Five to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Five and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3429; Filed, November 26, 1937; 11:37 a. m.]

[Order No. 78]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER SIX AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937.

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Six having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Six having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Six and to other evidence and pertinent data relating to the classifications of coals for District Number Six;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Six, set opposite the names of code members

and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Six, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Six and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Six or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Six to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Six and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3430; Filed, November 26, 1937; 11:38 a. m.]

[Order No. 79]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER NINE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Nine having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Nine having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Nine and to other evidence and pertinent data relating to the classifications of coals for District Number Nine;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Nine, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Nine, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

hereby are determined and established as the initial classifications of coals for code members within the said District Number Nine and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Nine or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Nine to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Nine and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3431; Filed, November 26, 1937; 11:39 a. m.]

[Order No. 80]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38, NO. 43 AND NO. 58, AND SECTION 4, PART II, SUBSECTION (A), AND SECTION 6, SUBSECTION (A), OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Ten having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in their respective districts; Bituminous Coal Producers Board for District Number Ten having proposed at such hearing initial classifications of coals of code members in such district, and later having withdrawn such initial classifications; the Commission having found by its Order No. 58³ that said Bituminous Coal Producers Board for District Number Ten had failed to comply with the Commission's Orders No. 38 and No. 43, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act; and, the Commission having given due consideration to evidence submitted and to pertinent data in its possession,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Ten, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals for Code Members within District Number Ten filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Ten and such classifications shall be effective until further order of this Commission.

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

³ 2 F. R. 2615 (DI).

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Ten or the Commission involving a revision of the initial classifications of coals of any code member.

4. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Ten to the Consumers' Counsel, the Secretary of the Bituminous Coal Producers Board for District Number Ten, to all code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3432; Filed, November 26, 1937; 11:39 a. m.]

[Order No. 81]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER THIRTEEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Thirteen having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Thirteen having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Thirteen and to other evidence and pertinent data relating to the classifications of coals for District Number Thirteen:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Thirteen, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Thirteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Thirteen and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Thirteen or

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Thirteen to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Thirteen and to code members within said District, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3433; Filed, November 26, 1937; 11:40 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

[Amendment 4 to B. A. I. Order 357]

RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

[Effective on and after December 1, 1937]

NOVEMBER 26, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, sec. 181-229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218-218d), amendment 4 to B. A. I. Order 357, effective December 1, 1937, amending the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees, is hereby promulgated.

I

Regulation 3 (a) is hereby amended to read as follows:

3. (a) Each stockyard owner and market agency shall plainly state in the schedule of rates and charges (sec. 306, title III) filed by such stockyard owner or market agency, the date when effective, the stockyards at which it applies, the name and business address of the stockyard owner or market agency, the kind of livestock, the nature of the service, and the terms or conditions under which the service will be rendered.

Each licensee furnishing or conducting services or facilities for which a charge is made shall plainly state in the schedule of rates and charges (sec. 504, title V, which incorporates by reference sec. 306, title III) filed by such licensee, the date when effective, the city, place, or market at which it applies, the name and the business address of the licensee, the nature of the service or facilities furnished, and the terms or conditions under which the service will be rendered.

Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licensees shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Two copies of each such schedule or amendment shall be filed with the Bureau of Animal Industry at Washington, D. C., at least one of which shall be signed by the market agency, stockyard owner, or licensee filing the same.

The schedules of each market agency, stockyard owner, and licensee shall be designated by successive numbers as filed. Each such schedule shall be divided into sections which shall provide for the various classes of services furnished by the market agency, stockyard owner, or licensee. Each amendment of such schedule shall be numbered, and shall show the number of the schedule of which it is an amendment. Each such amendment shall in its body make adequate reference to the section or sections of the schedule which is amended, and shall set forth such section or sections in full in the amended or supplemented form. Each amendment shall indicate the numbers of such amendments to the original schedule as are in effect. After a market agency, stockyard owner, or licensee has filed 30 amendments to its schedule, any further change in the rates or charges

shall be embodied in a new schedule which shall contain all rates and charges then in effect: *Provided, however,* That not more than 10 amendments relating to charges other than for feed may be filed without filing and publishing a new schedule.

Each stockyard owner, market agency, and licensee shall also file with the Bureau of Animal Industry at Washington, D. C., two copies of every rule or regulation, or set of rules or regulations, and of each amendment or supplement thereto, properly printed or typed, which in any manner change, affect, or determine any part or the aggregate of the rates or charges of such stockyard owner, market agency, or licensee, or the value of the services furnished.

All schedules and rules or regulations and amendments thereto required to be filed under this act shall be kept posted in a conspicuous public place by the market agency and stockyard owner filing same. Licensees shall post schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person (sec. 504, title V). Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (c) (incorporated by reference in sec. 504, title V), all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Bureau of Animal Industry at Washington, D. C., not less than 10 days before the effective date thereof and must be posted in a conspicuous public place by the market agency, stockyard owner, or licensee filing the amendment at least 10 days prior to the effective date.

II

Regulation 17 (b) is hereby amended to read as follows:

17. (b) Every market agency and dealer shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, reasonable bonds to suitable trustees to secure the performance of their obligations incurred as such market agency or dealer, and shall immediately file or cause to be filed with the Bureau of Animal Industry at Washington, D. C., a fully executed duplicate of such bond. For the purpose of this regulation, "market agency" means any person engaged in the business of buying or selling in commerce livestock at a stockyard on a commission basis, and "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce livestock at a stockyard either on his own account or as the employee or agent of the vendor or purchaser.

Such bonds may contain such other terms and conditions as may be agreed upon between the parties thereto, not inconsistent with the requirements of this regulation. The surety on such bond shall be a surety company approved by the Treasury Department of the United States for bonds executed to the United States, or any other form of indemnity may be accepted in lieu thereof which is found by the Chief of the Bureau of Animal Industry at Washington, D. C., to afford substantially equivalent protection.

The amount of such bond shall be not less than the nearest multiple of \$1,000 above the average amount of sales and/or purchases of livestock by such market agency or dealer during two business days, based on the total number of the business days, and the total amount of such sales and/or purchases in the preceding 12 months, or in such part thereof in which such market agency or dealer did business, if any. For the purpose of this computation, 308 shall be deemed the number of business days in a year, except that in those markets where livestock is offered for sale on not more than two days per week the actual number of days in the preceding 12 months on which livestock was offered for sale shall be deemed the number of business days. In such instances the amount of the bond shall be not less than the nearest multiple of \$1,000 above the average amount of sales and/or purchases of livestock by such market agency or dealer during one business day. In any case, however, the amount of bond shall be not less than \$2,000; and when the sales and/or purchases, calculated as hereinbefore specified, exceed \$50,000 the amount of the bond

need not exceed \$50,000 plus 10 percent of the excess. Whenever the Chief of the Bureau of Animal Industry at Washington, D. C., finds any bond required hereunder to be inadequate, such bond, upon notice, shall be adjusted to meet the requirements of this regulation.

Two or more market agencies or dealers or the employees or agents of such dealers, if such market agencies or dealers are affiliated with the same association or local exchange, may be covered by a single bond in an amount based on their combined purchases and/or sales determined in accordance with this regulation.

All surety bonds, or their equivalents, shall contain a provision requiring that at least 10 days' prior notice in writing be given to the Bureau of Animal Industry at Washington, D. C., by the party terminating such bonds or equivalents, in order to effect their termination.

Done at Washington, D. C., this 26th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 37-3424; Filed, November 26, 1937; 11:20 a. m.]

Farm Security Administration.

DESIGNATION OF COUNTIES (ALABAMA)

NOVEMBER 20, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Alabama State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Barbour, Blount, Butler, Chilton, Conecuh, Dallas, DeKalb, Elmore, Geneva, Greene, Hale, Lawrence, Lee, Madison, Marengo, Marion, Monroe, Montgomery, Morgan, Pickens, Pike, Talladega, Tallapoosa, Walker, Wilcox.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3420; Filed, November 24, 1937; 3:16 p. m.]

FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5497]

APPLICATION OF WISCONSIN MICHIGAN POWER COMPANY

ORDER FIXING DATE OF HEARING

Upon application filed November 24, 1937, by Wisconsin Michigan Power Company, a corporation organized under the laws of the State of Wisconsin and having its principal place of business at Public Service Building, 231 West Michigan Street, Milwaukee, Wisconsin, for authority under Section 203 of the Federal Power Act to purchase the physical property and appurtenant flowage rights comprising the hydroelectric generating and transmission system of the Northern Paper Mills:

It is ordered:

That a hearing on said application be held beginning at 10 a. m. on December 4, 1937, in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

Adopted by the Commission November 24, 1937.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 37-3421; Filed, November 26, 1937; 10:06 a. m.]

No. 230—2

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT 5495 and IT 5496]

APPLICATIONS OF MISSISSIPPI RIVER POWER COMPANY, MISSOURI TRANSMISSION COMPANY, IOWA TRANSMISSION LINE COMPANY

ORDER SETTING HEARING

Upon joint applications filed November 18, 1937, by Mississippi River Power Company, a Maine corporation with offices at Keokuk, Iowa, and Missouri Transmission Company, a Missouri corporation with offices at St. Louis, Missouri, and Iowa Transmission Line Company, a Delaware corporation with offices at Des Moines, Iowa, pursuant to Section 203 (a) of the Federal Power Act, for approval of the transfer of the facilities of the Missouri Transmission Company and the Iowa Transmission Line Company to the Mississippi River Power Company;

It is ordered:

That a public hearing on said applications be held beginning at 10:00 A. M. on December 15, 1937, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

Adopted by the Commission on November 23, 1937.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 37-3422; Filed, November 26, 1937; 10:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of November, 1937.

[File No. 1-429]

IN THE MATTER OF STUTZ MOTOR CAR COMPANY OF AMERICA, INC. COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the no par value Common Stock of the Stutz Motor Car Company of America, Inc., from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 o'clock, A. M., on Tuesday, December 14, 1937, in Room 1101, 1778 Pennsylvania Avenue N.W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law. By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3434; Filed, November 26, 1937; 12:53 p. m.]

